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REPORT AND RECOMMENDATIONS OF THE
WORKING TASK FORCE ON THE COURTS
APRIL 2003

Representative Eugene L. O'Flaherty
Chairman

WORKING TASK FORCE ON THE COURTS

FINDINGS AND RECOMMENDATIONS

Speaker Thomas M. Finneran has charged the *Working Task Force on the Courts* (*Task Force*) with analyzing and evaluating Governor Romney's budget proposals for the judiciary and then making appropriate recommendations/suggestions to the House Ways & Means Committee.

I. INFORMATION GATHERING

Initial Meeting

On Wednesday, March 19, 2003, the *Task Force* met for the first time to establish the guidelines for its undertaking and to have an introductory discussion and candid exchange of ideas. In attendance were Representatives O'Flaherty, Fallon, Naughton, Festa, Toomey, Knuuttila, Peisch, Evangelidis, Leary, Rush, J. Spiliotis and legislative aides for Representatives Torrisi and Brown.

Three primary themes evolved from the *Task Force's* initial meeting. First, most members agreed that the Governor's office had yet to adequately explain or document what savings, if any, are to be gained in FY 04 and beyond from the closing of eight District Courts and merging the Boston Municipal Court (BMC) with the District Court Department. Second, some members perceived a disparity in the funding of the District Courts and would like the *Task Force* to consider alternative ways to allocate resources to better deal with those perceived inequities. However, because time is of the essence for purposes of the FY 04 budget debate, the issue of resource allocation probably will need to be addressed by the *Special Commission on Judicial Management* formed by Speaker Finneran. Third, the members were nearly unanimous in expressing their concern about the fact that Governor Romney's funding proposal for the judiciary in FY 04 is premised, at least in part, on the trial court's ability to be "more aggressive" in assessing and collecting probationary fees. Many *Task Force* members who have worked either in or for the court system fear that it is simply unrealistic to expect the trial court to generate \$40 million in retained revenues during FY 04. The members were also extremely concerned that the independence of the judiciary is threatened when its focus is diverted to the collection of fees – in essence becoming its own collection agency.

Several members of the *Task Force* also expressed a significant philosophical concern that the House would be abrogating its constitutional duties and responsibilities by agreeing to Governor Romney's proposal to reduce the number of budget line items for the judiciary. The "lump sum funding" of the various trial court departments suggested by Governor Romney ignores the managerial problems and fiscal mismanagement that has all too often characterized the administration of the judiciary. Reducing the line items limits the House's oversight of its appropriations and invites further mismanagement.

Second Meeting

On March 24, 2003 the *Task Force* members met privately with Chief Justice Dortch-Okara and other representatives from the Administrative Office of the Trial Court (AOTC). The Chief Justice informed the *Task Force* that the Trial Court Department has absorbed a budget deficit of some \$60 million since FY 02. The Trial Court has also endured the loss of more than 1000 employees through layoffs, early retirement and attrition over that same period of time. That reduction in workforce figure represents approximately 12% of the Trial Court's employees.

The budget cuts and workforce reductions have caused significant problems already, including cancelled court sessions, increased delays in the scheduling of trials, and the undermining of the public safety of the people working at and using the courthouses. The loss of nearly 100 court officers since July 2001 means there are fewer officers to provide security and an increased chance that court sessions will need to be cancelled due to inadequate staffing. The CJAM warned that additional cuts will only exacerbate existing problems.

Public Hearing

On March 24, 2003 the *Task Force* also held a public hearing at the State House to elicit ideas and suggestions from any interested party regarding Governor Romney's budget proposals for the court system. Representative O'Flaherty chaired the hearing and Representatives Fallon, Torrisi, Knuuttila, Rush, Peisch, Brown, Linsky, Hillman, Naughton, Hill, Toomey, Turkington and Spiliotis were in attendance.

At the public hearing the *Task Force* heard testimony from a wide range of individuals, including the First Justice from West Roxbury District Court, the First Justice from Orange District Court, the First Justice from Clinton District Court, Judge Martha Grace - Chief Justice of the Juvenile Court, a trial judge and the Criminal Clerk from the BMC, a Probate & Family Court judge from Worcester County, the Clerk Magistrates from Charlestown District Court, Winchendon District Court, West Roxbury District Court, Leominster District Court, Chief Probation Officers from Clinton and Winchendon, the President of the Worcester Bar Association and business leaders from those communities where Governor Romney has proposed closing District Courts.

The consensus that emerged from those persons testifying before the *Task Force* was that it is virtually impossible to adequately evaluate Governor Romney's proposals to close eight District Court divisions and merge the BMC with the District Court Department because those proposals failed to take into consideration several critical factors. These factors include: (1) the availability of public transportation to help people travel to/from the District Courts that will take over the caseloads of the District Courts slated to be closed; (2) the increased cost of police overtime and travel expense that will be incurred by cities and towns when their police officers need to travel greater distances for court appearances; (3) the increased risk to victims of domestic violence who will now be asked to travel greater distances to obtain abuse prevention orders, and possibly

forced to use the same bus or train service as their accused abusers; (4) the economic impact that the court closings will have on the local business communities; (5) whether the District Courts being asked to absorb the work and caseloads from the courts to be closed even have sufficient space, parking, staffing, storage and courtroom capacity to handle the increased workload, and; (6) whether the courthouses slated for closure are located on state-owned property or property leased from private parties, and if the properties are leased, what legal consequences will flow from breaking those leases. Several witnesses also expressed concern that the decision to close District Courts did not recognize the fact that the courthouses have become a vital part of the “fabric” of the local communities – a place that serves as the *de facto* clearing house for social services. In the absence of more detailed information and analysis as to the role these factors play in the closing any courthouse, it’s almost impossible to objectively evaluate Governor Romney’s decision to do so.

Numerous witnesses at the public hearing also expressed concern about public safety and security problems already confronting the court system. For example, more than 1000 people enter West Roxbury District Court each week, but there are only eight court officers available to staff the court sessions and handle the prisoners in lock-up. Probation officers throughout the system are being asked to handle an ever increasing number of “risk/need” cases. Also, closed courthouses and cancelled court sessions only place the victims of domestic abuse that much farther from the protection they so desperately need.

Third Meeting

On March 26, 2003 Governor Romney’s Chief Legal Counsel, Daniel Winslow, met with the *Task Force* to discuss the Administration’s judiciary proposals and answer any questions from *Task Force* members, including Representatives O’Flaherty, Fallon, Knuuttila, Brown, Hillman, Spiliotis, Festa, Linsky, Peisch, C. Murphy, Naughton and Turkington.

Mr. Winslow identified the Governor’s top three priorities for the court system as follows: (1) comprehensive changes to the management structure; (2) reducing the number of line items in the budget, and; (3) using outside sections to “ earmark” money for jury trials on Fridays, security and interpreters. Mr. Winslow conceded that the “big picture” structural changes probably would need to wait until FY 05 in order to be dealt with in an omnibus fashion. The *Task Force* members were generally in agreement with the idea that structural changes to the management and operation of the Trial Court fall within the scope of the *Special Commission on Judicial Management*.¹

¹ Attached as Exhibit A hereto is a copy of language contained in Line Item 0330-0330 that was included in the Budget passed by the House last session. Similar language survived in the Conference Committee Report, but was subsequently vetoed by Acting Governor Swift. This language provides a good starting point for the parameters of the *Special Commission’s* examination of the judicial system.

2nd Public Hearing

On April 2, 2003 five members (Representatives O’Flaherty, Torrisi, Peisch, Hill and Spiliotis) of the *Task Force* traveled to Ipswich District Court to hold a second public hearing.

This hearing was well attended by persons interested in Governor Romney’s inclusion of Ipswich District Court on the list of courthouses to be closed. Although the individuals testifying had an obvious interest in seeing the court stay open, the points and concerns they raised were applicable to all District Courts generally. For example, there is no public transportation between Ipswich and Gloucester District Court – where all of the Ipswich cases would be sent – that would get people there in less than two hours. Also, the towns served by Ipswich District Court would incur increased costs in the form of police overtime and travel expenses if their officers will be forced to drive an additional 25 to 40 minutes to get to the next closest courthouse. Finally, the District Court was described as being “part of the fabric” of the Ipswich community and an important element in the revitalization of the downtown business community.

II. RECOMMENDATIONS

- Re-examine the cost of the existing downtown Boston leases of the AOTC, which is currently located at Two Center Plaza, and other such entities to determine the feasibility of renegotiating the leases and/or relocating their offices to other state-owned courthouse facilities so that their operations are closer to courthouse functions.
- The House should make a thorough investigation and analysis of the cost savings to be realized from redistricting the jurisdictions of the entire District Court Department. Caseloads and corresponding appropriations should be examined to ease the consequences that disparate levels of funding have on courthouses with equivalent caseloads. We ask that the Ways & Means Committee take into consideration the adverse impact an across-the-board cut would have on courts already overburdened and impacted by recent budgetary cuts.
- Increase the filing fees throughout the court system. The Administrative office of the Trial Court estimates that such fee increases could generate at least \$20 million for FY 04. Chief Justice Sean M. Dunphy, Probate & Family Court, has also provided a proposal for statutory fee increases that provide an additional \$4 million in revenue each year. See the charts prepared by the AOTC and Chief Justice Dunphy, attached hereto as Exhibit B.

- We recommend that the BMC remain as a separate trial court department. For a more detailed explanation for this recommendation, please see the facts provided to the *Task Force* by the BMC Department, attached as Exhibit C. Chief Justice Margaret Marshall has referred to the BMC as a court of “exceptional stature” and that the decision regarding the BMC’s future “rests with the Legislature”. The *Task Force* has not identified any cost savings associated with the merging of the BMC into the District Court Department. The CJAM has recently appointed a new Chief Justice for the BMC, so it is apparent that the Judiciary wants the BMC to remain as a trial court department. It would constitute legislative micromanagement to suggest otherwise.
- The *Task Force* finds areas of agreement and disagreement with the findings and conclusions reached by the *Monan Commission*.² The *Task Force* agrees that the courts are overburdened and need to be more efficient. The judiciary has sustained budget cuts of \$100 million and lost over 1200 employees in recent years. Justice simply cannot be served with further cuts to the Judiciary. Access to the courts – and to the justice those courts provide – is a fundamental constitutional right, unlike so many other appropriations we make as a legislative body.
- Amend the General Laws where appropriate in order to treat certain misdemeanors as civil infractions. If an offense is classified as having no possibility of incarceration, then a defendant would not be entitled to an attorney. The Committee for Public Counsel Services (CPCS) estimates that this would result in a savings of approximately \$2.2 million annually, an amount which goes a long way in covering the savings that Governor Romney suggests will be realized by closing the District Courts.

² The Visiting Committee on Management in the Courts provided a report to Chief Justice Margaret Marshall in March 2003.

EXHIBIT A

For the central administration of the trial court, including costs associated with trial court non-employee services, trial court dental and vision health plan agreement, jury expenses, trial court law libraries, county courthouse leases, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that notwithstanding the provisions of section 9A of chapter 30, or any general or special law to contrary, the rights afforded to a veteran, pursuant to said section of said chapter, shall also be afforded to any veteran, as so defined, who holds an office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section seven of chapter 30, and who (1) has held such office or position for not less than one year and (2) has 30 years of total creditable service to the commonwealth, as such service is defined in chapter 32; **provided further, that there shall be a special commission of the house of representatives to examine and evaluate the various issues relating to the administration, management and operation of the judiciary; provided further, that said issues shall include the following: (1) the administrative organization and structure of the judiciary, (2) the fiscal practices and policies of the judiciary to allocate, manage and spend appropriations, (3) the process to develop, create and administer the budget for the judiciary, (4) the post appointment review and evaluation of judges and clerk-magistrates, (5) the personnel policies and practices, including the hiring, supervision and evaluation of employees in all court departments, (6) changes in the code of judicial conduct, (7) changes in the code of conduct for clerk-magistrates and all employees, (9) the process and procedure to improve discipline for misconduct upon judges, clerk-magistrates and all other employees, (10) the public process for evaluating judicial conduct and the administration of justice, (11) the practice and policies for the implementation of technology, including planning, usage and spending, (12) the use of technology to enhance the public's confidence in the judiciary, (13) sentencing standards and guidelines, including mandatory sentencing, appropriate exercise of judicial discretion and the commonwealth's right to appeal sentencing decisions, (14) treatment of victims and**

victim's families including, but not limited to, an evaluation of the judicial compliance with the assessments required pursuant to section eight of chapter 258B, (15) the management, maintenance and construction of court facilities, and (16) the operation of the courts, including assignments of personnel, transferability of funds and the scheduling of court sessions; provided further, that members of the commission shall include the chief justice of the supreme judicial court or her designee, the chief justice for administration and management or her designee, 5 members appointed by the speaker of the house of representatives, one of whom shall chair the commission, one of whom shall be from a private business, one of whom shall be from academia and two others so chosen by the speaker; provided further, that said commission shall submit a report to the house of representatives within 120 days the after formation and appointment of said commission so that any legislative recommendations may be fully considered during the next legislative session; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that said report shall include, but not be limited to, the number of cases in which said assessment was reduced or waived by a judge or clerk-magistrate within said courts; and provided further, that said report shall be submitted to the victim and witness assistance board on or before January 15, 2003 \$83,662,133

EXHIBIT B

Fiscal Year 2004 Trial Court Revenue Enhancements

| Revenue Source | Statutory Cite | Current Amount | Proposed Amount | Additional Revenue Generated |
|--|-----------------|----------------------------|---------------------------|------------------------------|
| Small Claims | | | | |
| | G.L. c.218 s.22 | <\$500 \$10 >\$500 \$15 | \$10 Increase for both | \$1,412,820 |
| Land Court | | | | |
| Temporary Restraining Orders | | \$50 | \$75 | \$3,000 |
| "S" Petitions | | \$40 | \$50 | \$10,000 |
| Civil Motor Vehicle Hearing Fees | | | | |
| "Regular" Hearing | G.L. 90c s.3 | | \$10 | \$2,652,470 |
| DeNovo Hearing | G.L. 90c s.3 | | \$20 | \$530,620 |
| Security Fee (All Civil Cases excluding Small Claims) | | \$0 | \$20 | \$6,585,460 |
| Uniform Schedule of Fee Increases | | | | |
| Certificate of Orders, decrees and judgments | | \$10 | \$20 | |
| Attested copies of court documents | | \$1.50/page | \$2.50/page | |
| Blank Summons | | \$1 | \$5 | |
| Blank Subpoenas | | \$1 | \$5 | |
| Tape Cassette of Proceedings | | \$38 | \$50 | |
| Commissions to take depositions | | \$10 | \$20 | |
| Transcript of Judgment | | \$25 | \$50 | |
| Waiver notice of Marriage | | \$10 | \$50 | |
| TOTAL INCREASES FROM UNIFORM FEES | | | | \$1,000,000 |
| Probate and Family Court Department Fee Increases | | | | |
| Accounts, Petition or Application | | | | |
| \$1,000 or less | G.L. 282 s.40 | \$0 | \$0 | |
| \$1,000 to \$10,000 | G.L. 262 s.40 | \$42 | \$75 | |
| \$10,000 to \$100,000 | G.L. 262 s.40 | \$70 | \$100 | |
| \$100,000 to \$500,000 | G.L. 262 s.40 | \$100 | \$150 | |
| \$500,000 to \$1,000,000 | G.L. 262 s.40 | \$140 | \$200 | |
| More than \$1,000,000 | G.L. 262 s.40 | \$200 | \$400 | |
| Admin. Of Goods | G.L. 262 s.40 | \$70 | \$100 | |
| Admin. Of Estate-In-estate | G.L. 262 s.40 | \$70 | \$150 | |
| Admin. With Will Annexed | G.L. 262 s.40 | \$70 | \$100 | |
| Amend Record (no adbp, cust or support of minors) | G.L. 282 s.40 | \$42 | \$50 | |
| Appl. of Conservator | G.L. 262 s.40 | | | |
| Appl. of Guardian | G.L. 262 s.40 | \$70 | \$100 | |
| Appl. of Receiver Estate of Absentee | G.L. 262 s.40 | \$70 | \$100 | |
| Appl. of Special Administrator | G.L. 262 s.40 | \$70 | \$100 | |
| Appl. of Trustee | G.L. 262 s.40 | \$70 | \$100 | |
| Bond, Filing of | G.L. 262 s.40 | \$42 | \$50 | |
| Burial Lot, Care of | G.L. 262 s.40 | \$42 | \$50 | |
| Carry on Business of Deceased | G.L. 262 s.40 | \$70 | \$100 | |
| Change of Name | G.L. 262 s.40 | \$70 | \$100 | |
| Compromise a Claim | G.L. 262 s.40 | \$70 | \$100 | |
| Convey land as if sole | G.L. 262 s.40 | \$70 | \$100 | |
| Discharge of Surety | G.L. 262 s.40 | \$42 | \$60 | |
| Divorce, Complaint | G.L. 262 s.40 | \$140 | \$200 | |
| Erection of Monument | G.L. 262 s.40 | \$42 | \$60 | |
| General Petition | G.L. 262 s.40 | \$70 | \$100 | |
| Injunction | G.L. 262 s.40 | \$70 | \$75 | |
| Insolvency, Representation of | G.L. 262 s.40 | \$70 | \$75 | |

| | | | |
|---|---------------|-------|-------------|
| Inventory, New | G.L. 262 s.40 | \$42 | \$60 |
| Lease Real Estate, Leave of | G.L. 262 s.40 | \$70 | \$75 |
| Leave to Marry Real Estate | G.L. 262 s.40 | \$70 | \$75 |
| Leave to Pay Debts | G.L. 262 s.40 | \$70 | \$75 |
| Letters to Foreign Guardian | G.L. 262 s.40 | \$70 | \$100 |
| Modification of Decree (no support visitation) | G.L. 262 s.40 | \$140 | \$150 |
| New Bond | G.L. 262 s.40 | \$42 | \$60 |
| Partition Petition | G.L. 262 s.40 | \$70 | \$200 |
| Petition under c.209 s.35* or 36** s. 35 repealed | G.L. 262 s.40 | \$70 | \$150 |
| Probate of Will | G.L. 262 s.40 | \$70 | \$150 |
| Release of Dower or Curtesy | G.L. 262 s.40 | \$70 | \$100 |
| Removal of Fiduciary | G.L. 262 s.40 | \$42 | \$60 |
| Sale or Removal or Personal Est. | G.L. 262 s.40 | \$70 | \$100 |
| Sale of Real or Personal Estate | G.L. 262 s.40 | \$70 | \$100 |
| Separate Support | G.L. 262 s.40 | \$70 | \$100 |
| Specific Performance | G.L. 262 s.40 | \$70 | \$100 |
| Statement of Voluntary Admin. | G.L. 262 s.40 | \$42 | \$100 |
| Surcharge | G.L. 262 s.40 | \$10 | \$20 |
| Temporary Restraining Order | G.L. 262 s.40 | \$70 | \$100 |
| Trustee, Petition to Appoint | G.L. 262 s.40 | \$70 | \$100 |
| TOTAL PROBATE & FAMILY INCREASES | | | \$2,000,000 |

AREAS THAT FEES SHOULD BE CHARGED:

| | |
|-------------------------------|--------------------|
| Adoption | \$100 |
| Modifications | \$25 |
| Contempts | \$25 |
| Contempt Summons | \$3 |
| TOTAL NEW PROBATE FEES | \$1,250,000 |

FILING FEE INCREASES

| | | | |
|---|----------------|-------|-------------|
| District Court | G.L. 262 s.2 | \$150 | \$165 |
| 10% Increase | | | \$1,560,000 |
| 20% Increase | | | \$2,730,000 |
| Superior Court | G.L. 262 s.4A | \$200 | \$220 |
| 10% Increase | | | \$500,000 |
| 20% Increase | | | \$1,000,000 |
| BMC | G.L. 262 s.2 | \$150 | \$165 |
| 10% Increase | | | \$210,000 |
| 20% Increase | | | \$420,000 |
| Housing Court | G.L. 185C s.19 | \$100 | \$110 |
| 10% Increase | | | \$320,000 |
| 20% Increase | | | \$640,000 |
| Land Court | G.L. 262 s. 39 | \$200 | \$220 |
| 10% Increase | | | \$240,000 |
| 20% Increase | | | \$480,000 |
| Probate Court | | | |
| See "General Petition" in Probate and Family Court Department Fee Increases above | | | |

TOTAL NEW TRIAL COURT REVENUE

| | |
|------------------------------|--------------|
| With 10% filing fee increase | \$20,075,370 |
| With 20% filing fee increase | \$22,715,370 |

PLUS PROBATION SERVICES FEE

| | |
|--|--------------|
| | \$15,000,000 |
|--|--------------|

MAXIMUM NEW TRIAL COURT REVENUE

| | |
|--|--------------|
| | \$37,715,370 |
|--|--------------|

| TYPE OF FEE | FEE-MASS | AUTHORITY | Proposed Fee | Number of Filings 2002 | Increase in Revenue | |
|---|----------|---------------|-----------------------|-----------------------------------|---------------------|--|
| Accounts, Petition or Appl. | | | | | | |
| 1,000 or less | No Fee | G.L. 262 s.40 | 5,000 or less | Total: 10232^ Decreases: 5510^ | | |
| 1,000 to 10,000 | \$42 | G.L. 262 s.40 | 5,001 to 10,000 | | | |
| 10,000 to 100,000 | \$70 | G.L. 262 s.40 | 10,001 to 100,000 | | | |
| 100,000 to 500,000 | \$100 | G.L. 262 s.40 | 100,001 to 250,000 | | | |
| 500,000 to 1,000,000 | \$140 | G.L. 262 s.40 | 250,001 to 500,000 | | | |
| More than 1,000,000 | \$280 | G.L. 262 s.40 | 500,001 to 1,000,000 | 11,892 Total Administrations | | |
| | | | \$1,000,000 and more | | | |
| | | | *not to exceed \$5000 | | | |
| Admin. Of Goods | \$70 | G.L. 262 s.40 | | | | |
| *plus \$10surcharge | | | | | | |
| Admin. Of Estate-Intestate | \$70 | G.L. 262 s.40 | | | | |
| *plus \$10surcharge | | | | | | |
| Admin. With Will Annexed | \$70 | G.L. 262 s.40 | | | | |
| *plus \$10surcharge | | | | | | |
| Statement of Voluntary Admin. | \$70 | G.L. 262 s.40 | | | | |
| | | | | | | |
| Adoption, Custody or Support of Minor Child | No Fee | G.L. 262 s.40 | | | | |
| | | | | | | |
| Annulment or Affirm. Marriage | \$100 | G.L. 262 s.40 | | | | |
| *plus \$10surcharge | | | | | | |
| Amend Record(no adop, cust or support of minors | \$42 | G.L. 262 s.40 | | | | |
| | | | | | | |
| Appt. of Conservator | \$70 | G.L. 262 s.40 | | | | |
| *plus \$10surcharge | | | | | | |
| Appt. of Receiver Estate of Absentee | \$70 | G.L. 262 s.40 | | | | |
| *plus \$10surcharge | | | | | | |
| Appt. of Special Administrator | \$70 | G.L. 262 s.40 | | | | |
| *plus \$10surcharge | | | | | | |

| TYPE OF FEE | FEE-MASS | AUTHORITY | Proposed Fee | Number of Filings | Increase in Revenue | |
|---------------------------------------|----------|---------------|--------------|-------------------|---------------------|--|
| | | | | 2002 | | |
| Appt. of Trustee | \$70 | G.L. 262 s.40 | \$70 | | | |
| *plus \$10surcharge | | | | | | |
| Bond, Filing of | \$42 | G.L. 262 s.40 | \$50 | | | |
| Burial Lot, Care of | \$42 | G.L. 262 s.40 | \$50 | | | |
| Carry on Business of Deceased | \$70 | G.L. 262 s.40 | \$100 | | | |
| Change of Name | \$70 | G.L. 262 s.40 | \$100 | 3533 | \$105,990 | |
| *plus \$10surcharge | | | | | | |
| Compromise a Claim | \$70 | G.L. 262 s.40 | \$100 | | | |
| Convey land as if sole | \$70 | G.L. 262 s.40 | \$100 | | | |
| Custody or Support of Minor | \$70 | G.L. 262 s.40 | \$100 | 396 | \$11,880 | |
| Discharge of Surety | \$42 | G.L. 262 s.40 | \$60 | | | |
| Divorce, Complaint | \$140 | G.L. 262 s.40 | \$200 | 22138 | \$1,328,280 | |
| *plus \$10surcharge | | | | | | |
| Erection of Monument | \$42 | G.L. 262 s.40 | \$60 | | | |
| Filing of Will-Safekeeping | \$40 | G.L. 262 s.40 | \$75 | 57 | \$1,995 | |
| General Petition | \$70 | G.L. 262 s.40 | \$100 | 177 | \$5,310 | |
| *plus \$10surcharge | | | | | | |
| Guardianship Petition | | | | | | |
| Mentally Ill estate <\$100 | \$70 | G.L. 262 s.40 | \$70 | | | |
| Mentally Retarded estate<\$100 | \$70 | G.L. 262 s.40 | \$70 | | | |
| Minor estate<\$100 | \$70 | G.L. 262 s.40 | \$70 | | | |
| Physically Incapacitated estate<\$100 | \$70 | G.L. 262 s.40 | \$70 | | | |
| Spendthrift estate<\$100 | \$70 | G.L. 262 s.40 | \$70 | | | |

| TYPE OF FEE | FEE-MASS | AUTHORITY | Proposed Fee | Number of Filings | Increase in Revenue | |
|------------------------------------|----------|---------------|-----------------------------------|-------------------|--|--|
| | | | | 2002 | | |
| Sale or Removal or Personal Est. | \$70 | G.L. 262 s.40 | \$100 | | | |
| Sale of Real or Personal Estate | \$70 | G.L. 262 s.40 | under \$100,000 \$100 | 2467 | \$694,060 | |
| *Based on Gross Sale Price | | | \$100,000 to \$250,000 \$250 | | estimate based on median sales price of \$346,019 in Mass. | |
| | | | \$250,001 to \$500,000 \$500 | | | |
| | | | \$500,001 to \$1,000,000 \$750 | | | |
| | | | over \$1,000,000 \$1000 | | | |
| Separate Support | \$70 | G.L. 262 s.40 | \$100 | 1580 | \$47,400 | |
| *plus \$10surcharge | | | | | | |
| Specific Performance | \$70 | G.L. 262 s.40 | \$200 | | | |
| *plus \$10surcharge | | | | | | |
| Temporary Restraining Order | \$70 | G.L. 262 s.40 | \$75 | | | |
| Temp. Restrain Order vs. Spouse | No Fee | G.L. 262 s.40 | No fee | | | |
| AREAS THAT FEES SHOULD BE CHARGED: | | | | | | |
| Complaints for Modifications | | | \$50 | 22433 | \$1,041,200 | |
| TOTALS: | | | | | \$6,846,065 | |

EXHIBIT C

– The Boston Municipal Court Department –

Introduction

The reorganization of any portion of the Judicial branch should be comprehensive and analytical, not piecemeal, abrupt, confrontational or punitive. Nor should reorganization be based on dubious information about any one department of the Trial Court.

Boston is the 20th largest city in the United States. The Boston Municipal Court Department serves an enormous resident population as well as a daily influx of workers, students, tourists and business travelers. The diversity of this clientele requires the Boston Municipal Court judiciary and staff to deal as effectively and efficiently with indigent defendants as it does with the business and financial institutions located within its jurisdiction. Civil business is a core function of the Boston Municipal Court Department caseload; it is not an adjunct to criminal business as is the case in the District Court Department.

The Boston Municipal Court provides a core service to the business and legal communities in the city of Boston and Suffolk County which cannot be replicated, transferred or assumed by any other court or department. The backlogs created in the civil docket would have a significant impact on those communities, as well as the million-plus citizens who live or work in downtown Boston.

Acceptance of the false premise that consolidation of the Boston Municipal Court Department will eliminate patronage or result in a more reasonable distribution of Trial Court resources leads to nothing but a symbolic sacrifice of hard-working, long-term and loyal Trial Court employees.

Merger would not result in any significant savings for the Trial Court and the modest savings that would result would come at the expense of the delivery of quality justice.

A \$4 million dollar cut in the Boston Municipal Court Department budget accompanied by a 50% reduction in staff would have a disparate impact on one of the smallest departments of the Trial Court. It is both unfair and contrary to sound fiscal policy.

FACTS

BMC Caseload:

The BMC has the largest *combined* caseload in Massachusetts.

The BMC has the largest *civil* caseload and the *highest* disposal rate in Massachusetts, and receives the vast majority of civil actions entered in Suffolk County. (See Tabs #1, 2, and 3)

- In FY 2002, the BMC handled 67% of the civil entries and 80% of the civil dispositions in Suffolk County. The BMC received 92% of all civil cases (regular and remand) filed in Suffolk County during fiscal year's 1998 - 2000.
- In FY 2002, the BMC received 9 times as many regular civil cases than the statewide average and disposed of 7 times as many regular civil cases than the statewide average. During the same year, the BMC received 12.5 times as many civil remand cases than the statewide average, while disposing of 18 times as many remand cases than the statewide average. (See Tab #4)
- The civil division of the BMC accounted for 85% of all cases disposed in FY 2000 in Suffolk County. In the same fiscal year, 17% of all civil remand cases statewide were filed in the BMC and the BMC was responsible for 27% of the total civil remand dispositions in the Commonwealth. (See Tab #5)
- During FY 2000, the BMC's total civil case filings were in excess of 25,000 entries. In contrast, during the same time period, the entire Superior Court Department received a total of 21,555 entries, of which 6,164 were filed in the Suffolk County Superior Court.
- The BMC entries for "regular civil" are over 3 times greater than those in the Springfield District Court and there are 35 times as many cases remanded to the BMC than to the Springfield District Court.
- In the district courts in Suffolk County, and elsewhere in the state, civil business is merely an adjunct to criminal sessions, unlike the BMC where civil business is a core function. For example, civil

cases in the Dorchester District Court are sent out and tried in the Brookline District Court. No civil cases are sent out of the BMC to be tried elsewhere.

The BMC held 6,008 show cause hearings during FY 2002, representing the *highest* amount of show cause hearings anywhere in the state.

- Show cause hearings are an important measure of a court's activity. They are labor intensive since an assistant clerk is assigned to hear each case and when a complaint is denied, the complainant has the right to appeal for a hearing before a judge."
- In FY 2002, the BMC scheduled 6,261 and held 6,008 (the highest number in the state) show cause hearings while SDC scheduled 2,777 and held 2,777 show cause hearings.
- Show Cause Hearings provide a forum whereby citizens are able to directly participate and enforce their rights in the criminal justice system.

The BMC entered over 12,454 criminal charges and disposed of 8,892 charges in FY 2002. (See Tab #5)

- During FY 2002, the BMC was responsible for the safety of more than 8,200 detainees in its custody and conducted 1,332 bail determinations on warrants held in other courts.
- Much of the BMC's criminal caseload encompasses illegal activity ranging from driving under the influence, breaking and entering, prostitution and drug offenses which threaten the quality of life in the communities the BMC serves.

The BMC is responsible for supervising one of *highest* percentages of risk/need probationers in the Commonwealth.

- Approximately 72% of all BMC probation cases are maximum risk/need cases, compared to the statewide average of 61.2%.

The Pioneer Institute Report relied on inaccurate data and the selective use of statistics from the Fiscal Year 2000 Annual Report of the Trial Court in an effort to establish disparity between the BMC and the Springfield District Court.

- The foundation of the Pioneer Institute Report's analysis for comparison is fundamentally flawed since it fails by miscalculation and omission to include 9,433 cases in the total caseload of the BMC. (See Tab #6)
- The report, additionally, repeatedly and conveniently minimizes the uniquely heavy civil caseload borne by the BMC.
- The report undercounted 2,142 BMC cases within the categories used for comparison purposes, counted CMVI and Show Cause hearings as "cases" rather than as separate activities and failed to include 7,291 civil case entries.

BMC Budget:

The BMC comprises less than 2% of the entire Trial Court Budget and has only 138 of the Trial Court's estimated 7,000 employees.

The BMC places within the top ten trial court locations with the highest revenue collection activity.

- In FY 2002, the BMC collected \$1,380, 660.10 in total revenues. This amount includes \$70,649.00 in indigent counsel fees, \$96,359.00 in surcharges, \$21,672.00 in victim witness fees, and \$47,307.00 in probation fees. (See Tabs #7 and #8)
- In addition, approximately \$6.5 million is collected annually by the Massachusetts Department of Employment and Training (DET) for deposit in the Massachusetts Unemployment Compensation Fund after certificates of certified assessments are filed by DET and notices of judgment and execution are issued by the office of the Clerk-Magistrate for Civil Business in the BMC. (See Tab #8)

Numbers alone do not tell the whole story. In order to accurately assess the work of any court or trial court department, a more complete and thorough analysis would look at the types of cases handled, the difficulty and resources required for each type of case, the relative difficulty of processing each type of matter, and the efficiency with which the caseload is handled.

- For example, show case hearings are often more labor intensive because an assistant clerk is assigned to each case and if a complaint is denied the complainant has the right to appeal for a hearing before a judge. During FY 2002, the BMC conducted more show case hearings than any other court or trial court department.

The proposed BMC consolidation with the District Court Department with comes at the price of an alleged \$4 million savings to the state. There exists no conceivable way for the BMC, either as a trial court department or as a consolidated division of the district court department, to handle and process its current caseload with a 50% reduction in its operating budget.

- The staffing level at the BMC has been reduced by 16% since July of 2001. And, like all trial court employees, BMC employees participated in an eight-day pay furlough in order to reduce a budget deficit existing in the Trial Court. (See Tab #9)
- The line-item for the Administration Office of the District Court Department for FY 2003 was \$1,180,00. Whereas, the administrative costs for the BMC was less than \$370,000 for FY 2003.

An *accurate* administrative comparison of the BMC to the District Court Department reveals that the BMC's administrative staff is *dramatically* smaller than the administrative staff of the District Court Department.

- The assertion that the BMC Administrative staff equals that of the District Court Department is completely erroneous. That assertion is based on an inaccurate measure of the employees who are physically housed in the Judges' Lobby of the BMC and contiguous offices.
- The BMC's administrative staff totals 5 employees, including 2 clerical/administrative support positions. The measure used to allege that the BMC's administrative staff equals that of the District Court Department includes all the employees of the Lobby/Judicial Support staff, as well as 2 employees of the Clerks' offices. If that same measure is applied to the District Court Department, then one could immediately add, at a minimum, 69 positions to their administrative staff by simply adding one lobby staff person from each of the divisions of the District Court Department. It is more reasonable to assume that the final, comparable, number of administrative personal would be far greater.
- The elimination of the five positions in the Administrative Office of the BMC would have a de minimus impact on the budget of the Trial Court with a resulting diminution in the quality of services provided.

An Overview of the BMC

Due to its geographic location in Boston, the Boston Municipal Court Department (BMC) has the largest combined caseload in Massachusetts. As shown below, the BMC's workload reflects the demands of its dynamic and diverse population, ranging from indigent defendants to the civil case needs of financial and business institutions.

The Administrative structure of the BMC is similar to that which exists in the Superior Court Department in that separate clerks' offices for criminal and civil business have been statutorily established (G.L., c.218, §53). Like the Superior Court Department, the BMC has county-wide civil jurisdiction over all civil actions, including tort and contract, in which money damages are sought, regardless of the amount of damages. During Fiscal Year (FY') 2000, the BMC's total civil case filings were in excess of 25,000 entries. In contrast, during the same time period, the Superior Court Department received a total of 21,555 entries, 6,164 of which were filed in the Suffolk County Superior Court.

However, simply counting all cases from felonies to civil motor vehicle cases, will not lead to a true picture of any court's workload or determine which court location should be deemed the "busiest court." A more complete and thorough analysis examines the types of cases handled, the difficulty and resources required for each type of case and the relative difficulty of processing each type of matter. Often, civil cases often require more time and resources to process than criminal cases.

In that regard, the BMC conducts a disproportionately large percentage of civil business, not only in Suffolk County, but also in comparison to other court locations throughout the state. The BMC received over 74% of the regular civil case filings in municipal and district courts in Suffolk County during FY'00. The eight District Court divisions within Suffolk County: Brighton, Charlestown, Chelsea, Dorchester, East Boston, Roxbury, South Boston and West Roxbury, together received the remaining 26% during the same time period. Also, in FY'00, the BMC received 16% of the entire statewide regular civil case entries.

These ratios hold true for other kinds of civil actions filed in Suffolk County. Fully 65% of all cases remanded from Suffolk County Superior Court under the statutory remand and removal system were sent to the BMC during fiscal years 1999-2000.

During FY 2000, the BMC received 52% of the civil remand caseload in Suffolk County. The department accounted for 85% of all cases disposed in that year in Suffolk County. Statewide in FY 2000, 17% of all civil remand cases were filed in the BMC and the BMC was responsible for 27% of the civil remand dispositions. Remand cases in Suffolk County are typically very time consuming cases, requiring a significant commitment of judicial, court, and employee resources.

Similarly, the BMC's Appellate Division handled 17.7% of all cases appealed throughout the state during FY' 00 and handled a larger caseload (32) than the Western District (24) of the

District Court Appellate Division. The 69 divisions of the District Court Department are divided into three appellate districts: Northern Southern and Western.

The BMC will inevitably experience a sharp increase in civil business when the pilot civil one-trial system is expanded to Suffolk County.

The staff of the Criminal Clerk’s Office entered over 12,454 criminal charges and disposed of 8,892 charges during FY’02. These cases encompass illegal activity ranging from driving under the influence, breaking and entering, prostitution and drug offenses, all of which threaten the quality of life in the communities the BMC serves.

During FY 2002, the BMC was responsible for the safety of over 8,200 detainees in its custody. The BMC conducted 1,332 bail determinations on warrants held in other courts. Over 6,000 criminal “Show Cause” hearings were conducted in the BMC, where citizens are able to directly participate and enforce their rights in the criminal justice system.

The following table illustrates the FY’00 civil caseload, in the categories of regular civil and remand, of the BMC as compared to the Suffolk County and statewide District Court Department caseloads.

| FISCAL YEAR 2000 | | | | | |
|--------------------------|--------|-------------------|--------------------|-----------|-----------------------|
| | BMC | Suffolk County | BMC % of County | Statewide | BMC % of Statewide |
| Regular Civil | | | | | |
| Entries | 10,596 | 3,712 | 74% | 55,726 | 16% |
| Dispositions | 12,020 | 2,929 | 83% | 51,994 | 18.8% |
| Remand | | | | | |
| Entries | 303 | 280 | 52% | 1,450 | 17% |
| Dispositions | 605 | 110 | 84.6% | 1,649 | 26.8% |

The caseload of the BMC has been inaccurately compared to the Springfield District Court. Those comparisons were based on a calculation that excluded over 2,000 entries and criteria that excluded over 7,000 entries in the substantial civil caseload outlined above. As a further illustration of the unique quality and quantity of the BMC civil caseload, the following table presents a comparison of the three major categories of civil entries (regular civil, remand and small claims) in the FY’00 civil caseload of the BMC and the two divisions of the District Court Department (Brockton and Springfield) with the highest civil caseloads.

| FY' 2000 | Regular Civil | Remand | Small Claims | TOTALS |
|------------------|---------------|--------|--------------|--------|
| BMC | 10,596 | 303 | 6,434 | 17,333 |
| Brockton D.C. | 2,144 | 198 | 3,891 | 6,233 |
| Springfield D.C. | 2,919 | 7 | 5,630 | 8,556 |

The Springfield District Court serves the following communities and respective populations: Agawam (26,686); East Longmeadow (13,930); Longmeadow (14,655); Springfield (147,216); West Springfield (25,876). Whereas, the typical day-long population in Boston is approximately 1,171,253.

The BMC entries for “regular civil” are over three times greater than those in the Springfield District Court and there are thirty-five times as many cases remanded to the BMC than to the Springfield District Court. Very often, regular and remand civil cases can be more complex and, consequently, they require more time and resources than other categories of legal proceedings.

The BMC supervises a very high percentage of risk/need probationers. Approximately 72% of BMC probation cases are maximum risk/need compared to the statewide average of 61.2%.¹ The civil division of the BMC accounted for 85% of all cases disposed in FY’00 in Suffolk County. In the same fiscal year, 17% of all civil remand cases statewide were filed in the BMC and the BMC was responsible for 27% of the total civil remand dispositions. These types of probation and civil cases indicate a greater degree of complexity in the workload of the BMC, necessitating a greater commitment of judicial, court, and employee resources for the court to fulfill its responsibilities

The BMC is a Multi-Jurisdictional Trial Court Department –

In order to accommodate the needs of the diverse clientele within our jurisdiction, from business, educational, financial and medical institutions to low-income defendants, the BMC must continue to be multi-faceted in our delivery of services. This department is particularly equipped, with its complement of judges and ten daily court sessions, to fulfill that mission. However, the BMC is also equipped to establish special sessions dedicated to addressing problematic societal issues. The success of past programs can be easily replicated.

The BMC conducts ten court sessions daily, six for criminal business and four for civil business. A breakdown of the business conducted in the ten sessions is attached for your reference. Because the BMC conducts such a wide spectrum of business, the judges are proficient in many areas: general criminal, general civil, bench and jury trials, mental health

¹ Summary of Probation Activity Report for September 2002, Office of the Commissioner of Probation.

commitments, probation surrenders and civil appellate work.

Boston ranks as the 20th largest city in the United States. Every day, Boston's population doubles as nearly 600,000 people come into the City. The typical day-long population in Boston is 1,171,253. Over 375,000 workers commute into Boston each day, many entering the BMC's central jurisdiction in downtown Boston and Government Center. Over 134,000 full and part-time students study in Boston. Thousands of people seek from all over the world seek treatment in Boston's 27 hospitals, attracting alone a total of 31,827 visitors every day.

The BMC is responsible for administering justice to this enormous population with its diverse social and economic needs and cultural vitality. These factors place great demands on the court to provide services for this immense population, and these factors must be considered in understanding the BMC today and planning for the BMC of tomorrow.

On days when special events take place, such as Sail Boston (1992), the Boston Marathon, the Head of the Charles Regatta, the Fourth of July Esplanade Celebration, and the New England Patriot's Superbowl Championship Celebration (2002), the population can reach as high as 2 million people. In addition, regularly scheduled and one-time special events can add from 50,000 to 800,000 visitors in Boston on a single day. The Boston Red Sox, Boston Bruins and Boston Celtics on game days draw an average of 23,280 people to Boston. The upcoming Democratic National Convention to be hosted in Boston in the summer of 2004 is expected to draw an estimated 4 million people to the City.

The Jurisdiction of the BMC -

Civil Matters: The civil side of this court department defines one aspect of our "role" within the community of courts located in Suffolk County. Under the civil remand and removal system which operates throughout Suffolk County, this court has jurisdiction, concurrent with Superior Court, over all civil actions, including tort and contract, in which money damages are sought, regardless of the amount of damages. Although the mechanics of the system are complex, it should suffice for the purposes of this response to state that the remand and removal system provides for a bench trial in this court and, thereafter, the case can be retried before a jury in Superior Court at the option of the losing party.

Expanded county-wide civil jurisdiction is conferred upon the BMC under G. L. c. 218, § 54. This statute allows for the convenient and expeditious resolution of civil matters in this court department which arise not only in downtown Boston but also throughout the most densely-populated county in the Commonwealth. As a result, the BMC receives the vast majority of civil actions entered in Suffolk County. By way of comparison with the District Court Department, the BMC received 92% of all civil cases (regular and remand) filed in Suffolk County in the three year fiscal years between 1998 and 2000. See, *Annual Report on the State of the Massachusetts Court System*, Fiscal Years 1998 - 2000.

Criminal Matters: Any criminal offense which is alleged to have taken place within the "geographic" or territorial jurisdiction of the Boston Municipal Court may properly begin in this

court. As noted, the territorial jurisdiction of the Boston Municipal Court Department is defined in G. L. c. 218, § 1.

The BMC's criminal jurisdiction is defined in G. L. c. 218, § 26. Generally speaking, that criminal jurisdiction extends to all felonies punishable by a sentence of up to five years as well as many other specific felonies which carry greater potential penalties. In addition, this court has jurisdiction over all misdemeanors and all violations of city ordinances and by-laws.

The Superior Court Department has concurrent jurisdiction over all criminal offenses with the BMC and with the District Court Department. The BMC conducts probable cause hearings to determine whether a defendant should be bound over to Superior Court on a criminal offense for which we do not have final jurisdiction. The decision of whether to proceed in Superior Court or the BMC is made by the District Attorney's Office. The District Attorney's decision is driven by the criminal offense with which the defendant will be charged. If the statute under which the defendant is charged provides a sentence beyond the five years allowed by G. L. c. 218, § 26, the prosecution will most likely take place by way of indictment in Superior Court.

Illustrations of the ability of this department to achieve consensus and move quickly forward with management and administration include the following: the efficiency and expediency in the management of one of the heaviest caseloads in the commonwealth; the ability as an independent entity to support innovative programs with proven success; the effectiveness of on-site administration in quickly responding and effectively addressing problems as they arise; and the importance of the court's ability to speak directly to and act in cooperation with the SJC and the CJAM in the expeditious resolution of conflict.

For example – the BMC, unlike any other Trial Court Department or division of the District Court Department, had the ability to pilot the EACC Program, because the Chief Justice and the Criminal Clerk-Magistrate could ensure complete cooperation and provide the support and supervision necessary to make sure that the program could be implemented quickly and successfully. Outside government agencies, such as the Office of the District Attorney for Suffolk County, the Boston Police Department and the Immigration and Naturalization Service have approached the BMC to test new administrative programs, because of the cooperation and willingness of the BMC to adopt resourceful ideas and creative solutions.

An Administrative Comparison of the BMC to the District Court Department :

An *accurate* administrative comparison of the BMC to the District Court Department reveals that the BMC's administrative staff is dramatically smaller in comparison to the administrative staff of the District Court Department.

The assertion that the BMC Administrative staff equals that of the District Court

Department is completely erroneous. That assertion is based on an inaccurate measure of the employees who are physically housed in the Judges’ Lobby of the BMC and contiguous offices.

The BMC’s administrative staff totals 5 employees, including 2 clerical/administrative support positions. The measure used to allege that the BMC’s administrative staff equals that of the District Court Department includes all the employees of the Lobby/Judicial Support staff, as well as 2 employees of the Clerks’ offices. If that same measure is applied to the District Court Department, then one could immediately add, at a minimum, 69 positions to their administrative staff by simply adding one lobby staff person from each of the divisions of the District Court Department.

There are, in fact, five members of the administrative staff, two of whom provide support services, and five members of the Judges’ Lobby staff. Two additional clerical employees who are housed in the Administrative Office were also counted. However, those two employees perform a function which is the responsibility of the two Clerk/Magistrates, i.e., the maintenance of courtroom tapes. This function was centralized for the purpose of efficient delivery of service.

Administrative and Judicial Staff

ADMINISTRATIVE:

| | | |
|--------------------|-------------------------------|---|
| Legal/Professional | Court Administrator | 1 |
| | Counsel to the Chief Justice | 1 |
| | *Administrative Attorney | 1 |
| Support Staff | Fiscal Affairs Coordinator | 1 |
| | Head Administrative Assistant | 1 |

JUDICIAL:

| | | |
|--------------------|----------------------------|---|
| Legal/Professional | Law Clerks | 2 |
| | *Administrative Attorney | 1 |
| Support Staff | Administrative Coordinator | 1 |
| | Judicial Assistant | 1 |
| | Judicial Secretary | 1 |

*There are two Administrative Attorneys whose work is fairly equally divided between judicial and administrative responsibilities.

New Initiatives Established in the BMC –

The following are three examples that best illustrate some of the new initiatives. All

three examples represent the first of their kind and remain unique to this court department only.

Electronic Application for Criminal Complaint -

The Electronic Application for Criminal Complaint (EACC), a pilot program implemented in Fiscal Year 2000, represents a collaborative effort among the BMC, the AOTC, the Boston Police Department and the Office of the District Attorney for Suffolk County.

One of the most positive aspects of this system is that it provides the police and the district attorney with the opportunity to select the offenses and to review the elements of the crimes and the charging language before they submit this data to the court. In addition, the probation department is able to evaluate the information prior to the defendant's appearance. The fact that the complaint can be generated before the defendant arrives at the courthouse reduces security risks and the length of time that the individual remains in custody.

This is the only system in the state which captures sufficient information to be of use to the National Crime Information Center (NCIC). The BMC has received inquiries from the United States Attorney's Office and the Immigration and Naturalization Service regarding the success of the program since they are contemplating creating similar programs. The BMC is the only trial court department to have this program up and running.

Alternative Dispute Resolution Services -

The BMC makes resourceful efforts to resolve cases by providing multiple alternative dispute resolution services. Several years ago, the court implemented a comprehensive multi-phase alternative dispute resolution ("ADR") plan designed to promote settlement that is both cost effective and time efficient for the litigants. Since its inception, the multi-phase ADR plan has proven to be successful in providing useful and alternative means for resolving cases.

There are three ADR programs operating in the BMC - a civil pretrial case conference program, a court-sponsored mediation program, and a mediation program for criminal business. All three programs represent a collaborative effort by this court department with several internal divisions, as well as external entities, including the Boston Bar Association and the Massachusetts Bar Association.

In-Court Criminal Pre-Trial Conference Session -

Courtroom 30 is the site of a unique mandatory criminal pretrial conference program. The program represents a specialized criminal session that fosters productive discussions between prosecutors and defense attorneys. It was created in response to mutual requests from

2002 Regular Civil Entries - Suffolk County



